

REMARKS

This Response is submitted in reply to the Office Action dated June 10, 2010. Claims 7 to 17 are pending in the present application. Claims 7 to 13 are hereby amended. Claims 7, 8 and 11 to 13 are in independent form. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

The Office Action rejected Claims 7 to 13 and 15 to 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,216,231 to Gehrman ("Gehrman") in view of U.S. Patent Publication No. 2003/0093542 to Saito ("Saito"). In view of the amendments made herein, Applicant respectfully disagrees with these rejections.

Gehrman discloses a system for establishing a wireless communication link. Fig. 3b of Gehrman illustrates a message flow of a communications session.

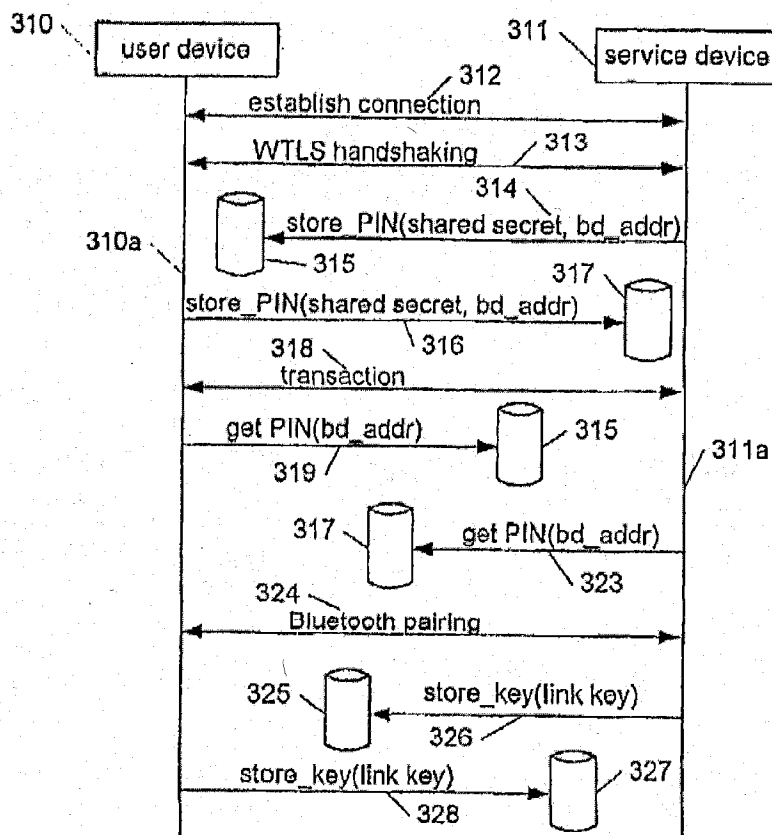


Fig. 3b

Column 10, line 53 to column 11, line 57 of Gehrman discloses:

FIG. 3b illustrates the message flow during the communications session described in connection with FIG. 3a After a connection between the user communications device 310 and the service communications device 311 is established by the message sequence 312, a WTLS handshake is performed by the message sequence 313.

After a secure WTLS handshaking is established a further transaction 318 may be performed. The stored PIN value may be retrieved from the memories or storage media 315 and 317, respectively, via corresponding 'get_PIN' functions 319 and 323. On the basis of the PIN value, an initialisation key may be calculated at the user communications device and the service communications device, respectively. The initialisation key is used during the pairing sequence 321 which comprises unit authentication based on the initialisation key and the generation and exchange of a link key. The link key is stored in the memory or storage media 325 at the user communications device and 327 at the service communications device, respectively, e.g. via respective 'store_key' functions 326 and 328. After this initialisation procedure the user communications device and the service communications device may continue to communicate or disconnect the communications link. In subsequent communications session between the user communications device and the service communications device, unit authentication may be performed directly on the basis of the stored link key without establishing a WTLS handshake, the generation and/or exchange of PIN values and initialisation keys. If encryption is desired, an encryption key may be derived from the link key.

It is further understood that the PIN value may be used as a link key directly, instead of using the PIN value as a basis for the generation of the initialisation key which, in turn, is used during the pairing of the Bluetooth units resulting in a common link key. Hence, instead of using the PIN value as an input to the process which generates the initialisation key, the PIN value, or a value derived from it, may be stored directly as a link key in both devices. Hence, in a subsequent session, the existence of the link key will be detected and a pairing of the Bluetooth devices is not necessary.

Saito discloses a communication device and communication control method using efficient echonet address determination scheme. The Abstract of Saito discloses:

In a communication device for carrying out communications according to an Echonet protocol on a network of a prescribed network layer protocol, a prescribed bit sequence value of a network layer address or a datalink layer address of the communication device is set as a candidate for an Echonet address

to be used in the Echonet protocol. Then, an inquiry packet for inquiring whether the prescribed bit sequence value is identical to the Echonet address used by each other communication device or not is transmitted, and the prescribed bit sequence value is determined as the Echonet address of the communication device when the prescribed bit sequence value is judged as not identical to any of Echonet addresses used by the other communication devices.

Applicant submits that the communication system resulting from the combination of Gehrman and Saito would include a user communications device and a service communications device. (Gehrman, col. 10, lines 55 to 57). In Gehrman, the user communications device and the service communications device communicate by WTLS and then by Bluetooth. (Gehrman, Fig. 3b). It appears the Office Action would interpret: (a) Gehrman's WTLS as the first communication protocol of Claim 7; and Gehrman's Bluetooth communication as the second communication protocol of Claim 7. Applicant submits that the Gehrman's Bluetooth communication is fixed and that Gehrman's communications devices do not, using the WTLS, negotiate which communication protocol will be used as the second communication protocol. In other words, the communication system resulting from a combination of Gehrman and Saito does not render obvious (without improper hindsight reconstruction) "acquisition means for acquiring identification information formed by a random number of the another communication apparatus by the first communication executed by the first communication protocol before: (a) requesting usability of at least one communication protocol; and (b) acquiring protocol information of a second communication protocol which is available by the another communication apparatus through the first communication executed by the first communication protocol." On the other hand, the communication system of Claim 7 includes, among other elements, "acquisition means for acquiring identification information formed by a random number of the another communication apparatus by the first communication executed by the first communication protocol before: (a) requesting usability of at least one communication protocol; and (b) acquiring protocol information of a second communication protocol which is available by the another communication apparatus through the first communication executed by the first communication protocol."

No new matter has been added by such amendments. Support for the amendments can be found in the Specification, for example in at least paragraphs [0084] to [0089] of the application publication.

For at least these reasons, it is respectfully submitted that independent Claim 7 is patentably distinguished over Gehrman and Saito and in condition for allowance.

Independent Claims 8 and 11 to 13 each include certain similar elements to independent Claim 7. For reasons similar to those discussed above with respect to independent Claim 1, independent Claims 8 and 11 to 13 (and dependent Claims 9, 10 and 15 to 17) are each patentably distinguished over Gehrman and Saito and in condition for allowance.

The Office Action rejected Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Gehrman in view of Saito and U.S. Patent Publication No. 2004/0193402 to Nolan et al. ("Nolan"). In view of the amendments made herein, Applicant respectfully disagrees with these rejections.

As described above, the combination of Gehrman and Saito does not render obvious "acquisition means for acquiring identification information formed by a random number of the another communication apparatus by the first communication executed by the first communication protocol before: (a) requesting usability of at least one communication protocol; and (b) acquiring protocol information of a second communication protocol which is available by the another communication apparatus through the first communication executed by the first communication protocol."

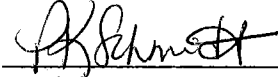
Nolan does not cure this deficiency. Accordingly, unlike Claim 14, the combination of Gehrman, Saito and Nolan does not render obvious (without improper hindsight reconstructions) "acquisition means for acquiring identification information formed by a random number of the another communication apparatus by the first communication executed by the first communication protocol before: (a) requesting usability of at least one communication protocol; and (b) acquiring protocol information of a second communication protocol which is available by the another communication apparatus through the first communication executed by the first communication protocol." For at least this reason, it is respectfully submitted that Claim 14 is patentably distinguished over Gehrman, Saito and Nolan and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: September 9, 2010